

REMARKS/ARGUMENTS

Applicant thanks the Examiner for a thorough review of the above-referenced application and the indication that dependent Claims 34, 37, 39, 41 and 42 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended independent Claims 1 and 13 to recite that the top end of the peripheral wall defines a flange portion that extends outwardly and that the display window extends from the flange portion of the peripheral wall, as previously recited in dependent Claim 34. Applicant has amended independent Claim 36 to recite that the selecting step includes determining the expiration date of the food, and then selecting a color-coded display token corresponding to the expiration date of the food, as previously recited in dependent Claim 37. Applicant newly presents independent Claim 43, which recites a method of storing food as previously recited in dependent Claim 41. As a result of these amendments, dependent Claims 9, 10, 11, 24, 25, and 29 have been amended and dependent Claims 4, 19, 34, and 37 have been canceled.

Applicant requests reconsideration of its application in view of the Amendments and Remarks set forth herein.

Rejections Under 35 U.S.C. § 103 Should be Withdrawn

The Office Action rejected Claims 1, 3-16, 18-31, 33, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Zielinski et al. (U.S. Patent No. 5,676,276) in view of Fast (WO 90/09017). The Office Action rejected Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Zielinski et al. (U.S. Patent No. 5,676,276) in view of Fast (WO 90/09017), as applied to Claim 13 and further in view of Kiggins (U.S. Patent No. 5,901,485). The Office Action rejected Claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Fast (WO 90/09017) in view of Uitz (U.S. Patent No. 5,275,302).

Applicant has amended independent Claims 1 and 13 to recite that the top end of the peripheral wall defines a flange portion that extends outwardly and that the display window extends from the flange portion of the peripheral wall, as recited in dependent Claim 34.

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Applicant has amended independent Claim 36 to recite that the selecting step includes determining the expiration date of the food, and then selecting a color-coded display token corresponding to the expiration date of the food, as recited in dependent Claim 37. In view of the indication in the Office Action that dependent Claims 34 and 37 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, Applicant submits that amended independent Claims 1, 13 and 36, and the claims depending therefrom, include recitations that patentably distinguish the claimed invention over the cited references.

New Claim 43 is Allowable

Applicant newly presents independent Claim 43, which recites a method of storing food as recited in dependent Claim 41. In view of the indication in the Office Action that dependent Claim 41 contains allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, Applicant submits that new independent Claim 43 includes recitations that patentably distinguish the claimed invention over the cited references.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. B. Ward, III", is written over the printed name.

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